

Notice of Allowability

Application No.

10/721,840

Examiner

Justin Krause

Applicant(s)

ANDREWS ET AL.

Art Unit

3682

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed December 4, 2006.
2. ☒ The allowed claim(s) is/are 1,3,5-17 and 19-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070117</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2006 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Taken on January 17, 2007.

The application has been amended as follows:

IN THE CLAIMS:

Claim 2: Claim 2 has been cancelled.

Claim 19, line 14: "said gear member" has been changed to --said bevel gear--.

Claim 19, line 15: "said gear member" has been changed to --said bevel gear--.

Allowable Subject Matter

Claims 1, 3, 5-17, 19-22 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not teach or render obvious the claimed combination comprising a mechanism for a marine propulsion system comprising a gear member, a generally cylindrical member having a slot and a retaining member having a protuberance, further comprising "a bearing engaged between said gear member and said generally cylindrical member and permitting rotation of said gear member and said retaining member about said axis relative to said generally cylindrical member." Examiner's reason for allowance is generic to claim 1 and 12.

Regarding claim 19, the prior art does not teach or render obvious the claimed combination comprising a mechanism for a marine propulsion system comprising a bevel gear having an axis of rotation, a generally cylindrical bearing adaptor having a slot and a retaining member attached to a bevel gear and having a protuberance, further comprising "a bearing engaged between said bevel gear and said generally cylindrical bearing adapter and permitting rotation of said gear member and said retaining member about said axis relative to said generally bearing adapter."

The allowable invention is intended as an assembly tool, as indicated in applicant's remarks filed December 4, 2006, indicating, "After the noted subassembly is assembled in the gearcase, as is known, there is no longer any need to provide the

noted axial retention because the assembly provides the same. After the noted assembly, rotation of the gear member (10) and the retaining member (100) is enabled by the bearing assembly (e.g. roller bearing 30)." Applicants remarks and the cited specification passages at page 10, lines 5-13 and page 11, lines 1-9 are considered persuasive in overcoming the rejection under the first paragraph of 35 U.S.C. 112 and make clear that the use of the device is not to retain the subassembly within the housing during operation, but only to retain the subassembly during the assembly of the gear case with other components.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

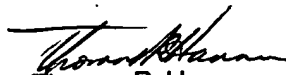
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMK

1/17/07


Thomas R. Hannon
Primary Examiner



*Recommended
Entry
JMK
1/17/07*

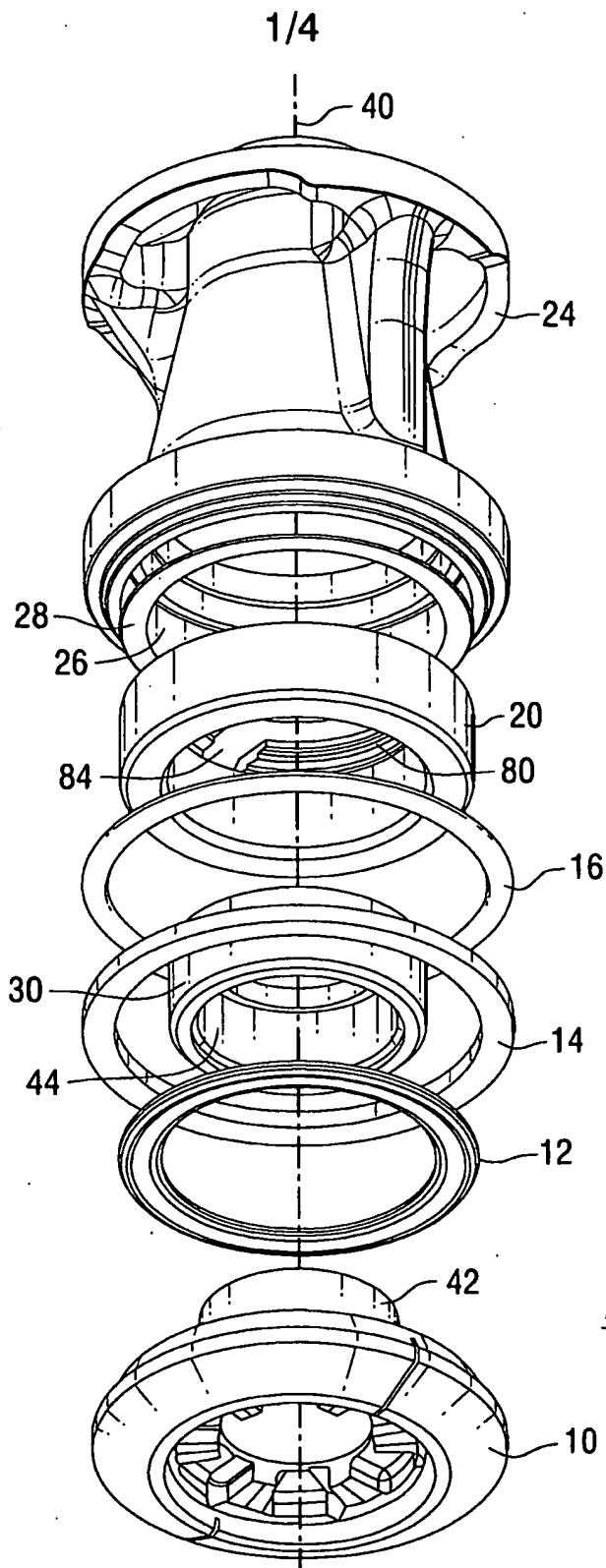


FIG. 1
PRIOR ART